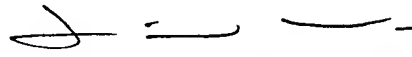


are spaces 44 at distal portion 6 of syringe barrel 4 so that when collar 8 is forced fitted onto syringe barrel 4, the distal end 8 was slightly compressed while at the same time collar 18 would slightly expand, so that with the appropriate pressing force, collar 18 is matingly fitted to the collar reception of the syringe barrel 4.” The amendment to paragraph 21 in the Rule 1.116 Amendment clarifies the annular space 44. Note that distal end 8 is clearly shown in the figures, and particularly those of Figs. 5 and 8 with reference to space 44. That space 44 is referred to as “spaces 44” continues to hold true insofar as Fig. 6 is a cross-sectional view of the syringe which obviously would show the annular space 44 as two spaces 44. Accordingly, given the original disclosure in paragraph 21 and the clear showing of annular space 44 in the original submitted Figs. 5-8, it is respectfully submitted that there is no new matter added, as the annular space 44 is clearly shown in the disclosure as originally filed. See In re Berkman, 209 U.S.P.Q. 45 (1981) in which the CCPA held that “[T]his court has held the drawings may be used to satisfy the disclosure requirement.” At 46.

As for the examiner's assertion that the amendment to paragraph 20 is new subject matter, applicant respectfully submits that such is not so, insofar as each of Figs. 1, 2, 3 and 8 shows an opening at the back wall at the proximal portion 38 of housing 20. As is well established, drawings are part of the disclosure. That applicants has now designated the opening as “39” does not make that opening new matter. The fact that the opening 39 allows the side of collar 18 that is enclosed by the proximal portion 38 to be viewed when hub 10 is covered by housing 20 is obvious in view of Figs. 1 and 8, as it is clear that when housing 20 attaches to collar 18, the portion of collar 18 that faces opening 39 is readily viewed. See also Figs. 2 and 3. Accordingly, applicant likewise submits that no new matter has been added with respect to the amendment to paragraph 20, as the opening at the proximal portion of the housing 20 was originally shown in the drawings submitted with the filing of the application.

Respectfully submitted,



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